

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy Salisbury,

Plaintiff,

Civ. No. 09-1945 (RHK/LIB)

ORDER

v.

Itasca County, *et al.*,

Defendants.

This matter is before the Court *sua sponte*.

Defendants have filed two Motions in Limine in this matter (Doc. Nos. 47, 50) seeking to preclude the testimony at trial of two “expert” witnesses under Daubert v. Merrill Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). In response, Plaintiff argues that the Motions are untimely because Daubert motions are treated as dispositive under the Court’s Local Rules, see D. Minn. LR 7.1(b), and the dispositive-motion deadline has passed. Whatever merit Plaintiff’s argument might have, it is clear that the Court possesses the authority to excuse Defendants’ “untimely” filing. See D. Minn. LR 7.1(e) (court may proceed in any “other manner . . . [it] deems appropriate” after failure to comply with Rule 7.1). Given the critical importance of the evidence here and the fact that motions in limine generally are not required to be filed until shortly before trial, see D. Minn. LR 39.1(b)(1)(E), the Court will consider the Motions on the merits.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that Plaintiff shall serve and file a response to the Motions, on the merits, on or before September 28, 2010.

Dated: September 23, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge